

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.9127, 9132 and 9135 of 2019

D.Senthilkumar

... Petitioner in
Crl.O.P.No.9127 of 2019

A.Settu @ Ranganathan

.... Petitioner in
Crl.O.P.No.9132 of 2019

M.Gopi

... Petitioner in
Crl.O.P.No.9135 of 2019

Vs.

1. The Superintendent of Police,
Salem, Salem District - 636 001.

2. The Inspector of Police,
Mechery Police Station,
Mettur Taluk,
Salem District - 636 458.

... Respondents in
Crl.O.P.No.9127 of 2019

1. The Superintendent of Police,
Villupuram, Villupuram District - 604 001.

2. The Inspector of Police,
Velathy Police Station,
Gingee Taluk,
Villupuram District - 604 202.

... Respondents in
Crl.O.P.No.9132 of 2019

1. The Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District - 606 001.

2. The Inspector of Police,
Chengam Police Station,
Chengam Taluk,
Tiruvannamalai District - 606 701.

... Respondents in
Crl.O.P.No.9135 of 2019

Common Prayer:- Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code, to direct the respondent authority to grant permission and police protection to perform the program of 'Adal Padal' in the event of (i) Sri Veda Mariamman Temple Festival at M.Pallipatti Village, M.Pallipatti Post, Mettur Taluk, Salem District on 10.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 23.03.2019 (ii) Sri Pillayar Temple Festival at Madura Vadakollai, Neganur Village, Neganur Post, Gingee Taluk, Villupuram District on 14.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 23.03.2019 (iii) Sri Mariamman Temple Kumbabishekam Festival at Chennasamudram Village, Chennasamudram Post, Chengam Taluk, Tiruvannamalai District on 26.04.2019 between 06.00 p.m. to 11.00 p.m. by considering the petitioner's representation dated 23.03.2019 respectively.

For Petitioner : Mr.S.Mayilnathan
in all Crl.O.Ps

For Respondent : Mr.C.Raghavan
in all Crl.O.Ps Government Advocate
(Criminal Side)

C O M M O N O R D E R

Seeking permission to conduct cultural programme in the event of (i) Sri Veda Mariamman Temple Festival at M.Pallipatti Village, M.Pallipatti Post, Mettur Taluk, Salem District on 10.04.2019 (ii) Sri Pillayar Temple Festival at Madura Vadakollai, Neganur Village, Neganur Post, Gingee Taluk, Villupuram District on 14.04.2019 (iii) Sri Mariamman Temple Kumbabishekam Festival at Chennasamudram Village, Chennasamudram Post, Chengam Taluk, Tiruvannamalai District on 26.04.2019 the petitioners made a representation dated 23.03.2019 to the respondents. As the same has not been considered, the present Criminal Original petitions have been filed.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondents.

3. Learned Government Advocate (Criminal Side), on instructions, would submit that there is likelihood of arising law and order problem.

4. A mere apprehension cannot be a ground to reject the representations. There is absolutely no material before this Court to hold that there will be a law and order problem in the event of permission being granted. In such view of the matter, these petitioners are permitted to conduct cultural programme in the event of (i) Sri Veda Mariamman Temple Festival at M.Pallipatti Village, M.Pallipatti Post, Mettur Taluk, Salem District on 10.04.2019 (ii) Sri Pillayar Temple Festival at Madura Vadakollai, Neganur Village, Neganur Post, Gingee Taluk, Villupuram District on 14.04.2019 (iii) Sri Mariamman Temple Kumbabishekam Festival at Chennasamudram Village, Chennasamudram Post, Chengam Taluk, Tiruvannamalai District on 26.04.2019, however with the following conditions:-

(a) Each petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) as charges, to the respective respondent Police and on receipt of the same, the respondent Police is directed to issue receipt and proceed further.

(b) The cultural programme in connection with the event of (i) Sri Veda Mariamman Temple Festival at M.Pallipatti Village, M.Pallipatti Post, Mettur Taluk, Salem District on 10.04.2019 (ii) Sri Pillayar Temple Festival at Madura Vadakollai, Neganur Village, Neganur Post, Gingee Taluk, Villupuram District on 14.04.2019 (iii) Sri Mariamman Temple Kumbabishekam Festival at Chennasamudram Village, Chennasamudram Post, Chengam Taluk, Tiruvannamalai District on 26.04.2019, shall be conducted between 06.00 p.m. and 10.00 p.m.

(c) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(d) Double meaning songs should not be played so as to spoil the minds of students and youths.

(e) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(f) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(g) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(h) If there is violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary action, as per law and stop such performance forthwith; and

(i) Similarly, the police is directed to stop the dance programme, if it is played beyond the permitted time limit.

(j) The respondents are directed to issue necessary permission, incorporating the above conditions.

5. With the above directions, these Criminal Original Petitions stands allowed.
ssr/rri

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Salem, Salem District - 636 001.
2. The Inspector of Police,
Mechery Police Station,
Mettur Taluk,
Salem District - 636 458.
3. The Superintendent of Police,
Villupuram, Villupuram District - 604 001.
4. The Inspector of Police,
Velathy Police Station,
Gingee Taluk,
Villupuram District - 604 202.
5. The Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District - 606 001.
6. The Inspector of Police,
Chengam Police Station,
Chengam Taluk,
Tiruvannamalai District - 606 701.
7. The Public Prosecutor
High Court, Madras.

+3CCs to Mr.S.Mayilnathan, Advocate, Sr.No.32934, 32935 & 32936

Cr1.O.P.Nos.9127, 9132
and 9135 of 2019

Kak (08/04/2019)